REMARKS/ARGUMENTS

Claims 1-37 are pending in this application, with claims 1, 9, and 12 being the only independent claims. Reconsideration of the above-identified application, as herein amended and in view of the following remarks, is respectfully requested.

Amendments

Independent claim 1 is amended to recite "said requests and offers being stored in a database of the server node, said server node comprising a set of rules including a deal execution requirement for automatically matching the requests and offers stored in the database".

Independent claim 9 is amended to recite "storing the received requests and offers in a database of the server node" and "matching, at the server node, the requests of the buyers and the offers of the sellers stored in the database".

Independent claim 12 is amended to recite "storing the received requests and offers in a database of the server node, matching a request of one of the buyers stored in the database and an offer of one of the sellers stored in the database at the server node that satisfy a deal execution requirement to form a matched pair".

Support for these amendments is found at page 9, lines 6-10 of the application as originally filed.

The dependent claims are amended to be consistent with the changes made to independent claims 1, 9, and 12. Dependent claim 3 is additionally amended to make a grammatical correction.

New claims 35-37 recite "wherein each of said requests and offers comprise parameters and the deal requirement of said set of rule automatically matches the requests and offers stored in the database based on at least one of the parameters that is different from a cost

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of the media space". Support for this recitation is found at page 8, lines 16-21 and page 9, lines 7-8 of the application as originally filed.

Claim Objections

Claim 3 is objected to as containing a grammatical error. Claim 3 is now amended to address this error. Accordingly, the objection to claim 3 should now be withdrawn.

Rejection of Claims under 35 U.S.C. §103

Claims 1-34 stand rejected under 35 U.S.C. §103 as unpatentable over U.S. Patent No. 6,324,519 (Eldering) in view of U.S. Patent No. 4,903,201 (Wagner).

Each of the independent claims is amended to recite (1) that the requests and offers are stored in a database of the server node, and (2) that the server node comprises a set of rules including a deal execution requirement for automatically matching the requests and offers stored in the database.

As will be described below, the prior art fails to disclose, teach or suggest the above limitations when the requests and offers are for an advertising media space, as is expressly recited in the independent claims.

The following is a description of an auction system disclosed by Eldering and a trading exchange system disclosed by Wagner. As will be described below, there are fundamental differences between these two types of sales systems such that aspects of one of these sales systems are not readily interchangeable with aspects of the other of the sales systems. More specifically, the auction system does not receive and store requests and offers in a server node database and match requests and offers in the database as now recited in independent claims 1, 9, and 12. As will be further described below, one skilled in the art would not apply the trading exchange teachings

disclosed by Wagner to the auction system of Eldering for requests and offers for advertising media space absent the applicant's own teaching.

The present invention relates to a system for electronically trading advertising media space. Trading exchanges are known and are typically used to trade commodities, as disclosed by Wagner which is cited by the Examiner. The trading exchange system works for commodities because each individual unit of a commodity is the same as other individual units of the commodity. For example, a bushel of wheat is same as any other bushel of wheat. In this scenario, trades can be conducted by such an exchange because the only variable is the price. Thus, if a bushel of wheat becomes available for the price that a buyer is willing to pay, the transaction can be automatically implemented.

Advertising space is not a commodity and thus would not be subject of a trading exchange type of sale. There are many other factors other than cost that make an advertising space appealing to some buyers and unappealing to other buyers. Thus, an auction system is traditionally used to sell media space for advertising as disclosed in Eldering. According to the auction system, a seller first announces available media space to an advertiser (see col. 9, lines 50-56 of Eldering). The advertiser then tries to determine whether placing an ad in the offered media space is desireable. Eldering discloses one method to facilitate that task. Eldering allows the advertiser to transmit an ad characterization to a profiler 140 or the content provider 160, and the profiler performs a correlation operation which produces a correlation factor or some other indicator of how well the offered space characteristics correspond to the ad characterization (see col. 10, lines 1-35 of Eldering). The advertiser then bids on the space at a price the advertiser is willing to pay based on the correlation factors (col. 10, lines 37-41 of Eldering). Thus, each bid by the advertiser is dependent on factors specific to each individual offered space.

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Since Eldering teaches that a seller announces available space to a seller, Eldering fails to teach or suggest "said requests and offers being stored in a database of the server node", as expressly recited in independent claim 1. Furthermore, Eldering also fails to teach or suggest "said server node comprising a set of rules including a deal execution requirement for automatically matching the requests and offers stored in the database", as acknowledged by the Examiner in the office action.

The Examiner alleges that Wagner teaches deal execution requirements for matched requests and offers and that such deal execution requirements could be incorporated in Eldering. As explained above, however, Wagner relates to a trading exchange for commodities and media space for advertising is not a commodity. There are a myriad of factors which affect the price an advertiser is willing to pay make each offering of media space such as, for example, type of media space, target market, time interval, expected audience characteristics. Accordingly, individual selection of media space by an advertiser is required. Since Wagner relates only to commodities, Wagner fails to overrule the teaching of Eldering that an advertiser must look at each individual offered media space before making a bid for that offered space. Accordingly, the combined teachings of Eldering and Wagner fail to teach or suggest "said requests and offers being stored in a database of the server node, said server node comprising a set of rules including a deal execution requirement for automatically matching the requests and offers stored in the database", wherein the requests and offers are for media space, as expressly recited in independent claims 1, 9, and 12.

Please charge the amount of $75.00 for the addition of 3 new claims in excess of 20 to Deposit Account No. 50-1817.

It is believed that no additional fees or charges are required at this time in connection with the present application. However, if any additional fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 50-1817.

Respectfully submitted,
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